



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

VIA ELECTRONIC MAIL
DELIVERY RECEIPT REQUESTED

Jeff Roop
President
JTR Heating and Air Conditioning, Inc.
Jtrjrheating@sbcglobal.net

Re: Finding of Violation
JTR Heating and Air Conditioning, Inc.
Monee, Illinois

Dear Mr. Roop:

The U.S. Environmental Protection Agency is issuing the enclosed Finding of Violation (FOV) to JTR Heating and Air Conditioning (you) under Section 113(a) of the Clean Air Act, 42 U.S.C. § 7413(a). We find that you have violated the Clean Air Act (CAA), 42 U.S.C. § 7401 *et seq.*, specifically the regulations for the Protection of Stratospheric Ozone at 40 C.F.R. Part 82, Subpart F at your Monee, Illinois facility. EPA promulgated these regulations as required by Section 608 of the CAA, 42 U.S.C. § 7671g.

Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the FOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply and the steps you will take to prevent future violations. In addition, in order to make the conference more productive, we encourage you to submit to us information responsive to the FOV prior to the conference date.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Natalie Topinka. You may contact Ms. Topinka by phone at (312) 886-3853 or by email at topinka.natalie@epa.gov to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,

Constantinos Loukeris
Acting Chief, Air Enforcement and Compliance Assurance Section (IL/IN)

Enclosure

cc: Kent Mohr, Manager
Compliance Section
Bureau of Air
Illinois Environmental Protection Agency

IN THE MATTER OF:)	
)	
JTR Heating and Air Conditioning)	FINDING OF VIOLATION
Monee, Illinois)	
)	EPA-5-21-COE-04
Proceedings Pursuant to)	
the Clean Air Act,)	
42 U.S.C. §§ 7401 et seq.)	
)	

1. In accordance with Section 608 of the CAA, 42 U.S.C. § 7671g, EPA promulgated regulations at 40 C.F.R. Part 82, Subpart F, applicable to recycling and emissions reductions of ozone-depleting substances. As specified at 40 C.F.R. § 82.150(a), the purpose of the regulations is to reduce emissions of class I and class II refrigerants and their non-exempt substitutes to the lowest achievable level by maximizing the recapture and recycling of such refrigerants during the service, maintenance, repair, and disposal of appliances.
2. Under 40 C.F.R. § 82.152, an appliance is any device which contains and uses a class I or class II substance or substitute as a refrigerant and which is used for household or commercial purposes, including any air conditioner, motor vehicle air conditioner, refrigerator, chiller, or freezer. For a system with multiple circuits, each independent circuit is considered a separate appliance.
3. Under 40 C.F.R. § 82.152, a refrigerant is, for purposes of Subpart F, any substance, including blends and mixtures, consisting in part or whole of a class I or class II ozone-depleting substance or substitute that is used for heat transfer purposes and provides a cooling effect.
4. Under 40 C.F.R. § 82.152, *Class II* refers to an ozone-depleting substance that is listed in 40 C.F.R. Part 82 Subpart A, Appendix B.
5. Under 40 C.F.R. § 82.152, *Substitute* means any chemical or product, whether existing or new, that is used as a refrigerant to replace a class I or II ozone-depleting substance. Examples include, but are not limited to hydrofluorocarbons, perfluorocarbons, hydrofluoroolefins, hydrofluoroethers, hydrocarbons, ammonia, carbon dioxide, and blends thereof. As used in this subpart, the term “exempt substitutes” refers to certain substitutes when used in certain end-uses that are specified in § 82.154(a)(1) as exempt from the venting prohibition and the requirements of this subpart, and the term “non-exempt substitutes” refers to all other substitutes and end-uses not so specified in § 82.154(a)(1).

6. Under 40 C.F.R. § 82.154(a)(1), no person maintaining, servicing, repairing, or disposing of an appliance or industrial process refrigeration may knowingly vent or otherwise release into the environment any refrigerant from such appliances.

Factual Background

7. JTR owns and operates a heating and air conditioning company at 25830 South Governors Highway, Monee, Illinois.

8. JTR performs maintenance, service, repair, and disposal of appliances.

9. On November 11, 2019, JTR knowingly vented or otherwise released into the environment R-22 refrigerant from a residential air conditioning appliance during servicing of the appliance at a residence in Peotone, Illinois.

10. R-22 refrigerant is also known as HCFC-22 and is listed as a Class II ozone-depleting substance under 40 C.F.R. Part 82 Subpart A, Appendix B.

11. On June 10, 2020, JTR knowingly vented or otherwise released into the environment R-410a refrigerant from a rooftop air conditioning appliance during servicing of the appliance at a business in Chicago, Illinois.

12. R-410a refrigerant is also known as HFC-410a and meets the definition of “substitute” under 40 C.F.R. § 82.152. R-410a is not included in the term “exempt substitutes” as that term refers to certain substitutes when used in certain end-uses that are specified in § 82.154(a)(1) as exempt from the venting prohibition and the requirements of 40 C.F.R. Part 82, Subpart F.

Violations

13. By knowingly venting or otherwise releasing into the environment R-22 and R-410a refrigerant during servicing of appliances on at least two separate occasions, JTR violated 40 C.F.R. § 82.154 (a)(1).

Michael D. Harris
Division Director
Enforcement and Compliance Assurance Division